

SENTENCE REVIEW DIVISION OF THE SUPREME COURT OF MONTANA  
Montana Twentieth Judicial District Court, County of Sanders

STATE OF MONTANA,	)	
	)	
Plaintiff,	)	
	)	CAUSE NO. DC-09-034
-vs-	)	
	)	DECISION
DYLAN LEIGH RUDE,	)	
	)	
Defendant.	)	

On January 10, 2017, District Court Judge James Manley revoked the Defendant's suspended sentence for violations of his conditions for the offense of Count I; Burglary, a felony, in violation of §45-6-204, MCA. The Defendant was sentenced to the Montana State Prison for ten (10) years with four (4) years suspended on conditions set forth in the original sentence including restitution. The Defendant received forty (40) days credit for time served, but no credit for time on probation

On May 4, 2017, the Defendant's Application for review of that sentence was heard by the Sentence Review Division of the Montana Supreme Court (hereafter "the Division").

The Defendant appeared by Vision Net from Dawson County Correctional Facility and was represented by Brent Getty of the Office of the State Public Defender. The State was not represented.

Before hearing the Application, the Defendant was advised that the Division has the authority not only to reduce the sentence or affirm it, but also increase it. The Defendant was further advised that there is no appeal from a decision of the Division. The Defendant acknowledged that he understood this and stated that he wished to proceed.

Rule 12, Rules of the Sentence Review Division of the Supreme Court of Montana, provides that, "The sentence imposed by the District Court is presumed correct. The sentence shall not be reduced or increased unless it is clearly inadequate or clearly excessive." (Section 46-18-904(3), MCA).

The Division finds that the reasons advanced for modification are insufficient to hold that the sentence imposed by the District Court is clearly inadequate or clearly excessive.

Therefore, it is the unanimous decision of the Division that the sentence is **AFFIRMED**.

Done in open Court this 4<sup>th</sup> day of May, 2017.

DATED this 31 day of May, 2017.

SENTENCE REVIEW DIVISION



Hon. Brad Newman, Chairperson



Hon. Kathy Seeley, Member



Hon. Brenda Gilbert, Member

Copies mailed this 2nd day  
of June, 2017, to:

Clerk of District Court (Original)  
Dylan Leigh Rude #3004862, Defendant (2)  
Hon. James Manley  
Brent Getty, Defense Counsel  
Robert Zimmerman, Esq.  
Board of Pardons and Parole  
MSP - Records Dept.



Georgia Lovelady, Judicial Assistant  
Sentence Review Division